

NEW JERSEY MEADOWLANDS COMMISSION CODE OF ETHICS

I. PURPOSE

This Code of Ethics is adopted to maintain public trust and confidence, and inform New Jersey Meadowlands Commission (NJMC) employees of the standards of conduct expected of them. This Code is intended to complement the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and the implementing regulations of the Executive Commission on Ethical Standards (N.J.A.C. 19:61-1.1 et seq.) to establish the general standards of conduct necessary for the proper and efficient operation of the NJMC. It is also intended to supersede all previous Codes of Ethics. This Code of Ethics shall apply to all Commissioners and employees of the NJMC.

II. DEFINITIONS

As used in this code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

“NJMC” means the New Jersey Meadowlands Commission.

The NJMC “Ethics Liaison Officer” is the official liaison to the Executive Commission on Ethical Standards. Employee questions regarding conflicts of interest or other ethics related matters should be directed to the Ethics Liaison Officer, or an employee may request a review and opinion on an ethical issue from the Executive Commission on Ethical Standards pursuant to N.J.S.A. 52:13D-21 and N.J.A.C. 19:61-2.2(c).

“Commissioner” means a member of the governing body of the New Jersey Meadowlands Commission. Commissioners are “Special State officers or employees” as defined below.

“Employee” shall mean any person holding an office or employment with the NJMC.

“Ethics Liaison Officer” shall mean the Manager, Human Resources or the NJMC’s designee.

“Special State officer or employee” shall mean (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency; or (3) any person appointed as a New Jersey member to an interstate agency the duties of which

membership are not full-time. All reference in the Code to “special NJMC officer or employee” shall be deemed to incorporate the definitions of “special State officer or employee” contained in N.J.S.A. 52:13D-13.

“Recusal” means the process by which a person is disqualified, or disqualifies him/herself from a matter because of a conflict of interest.

III. DUTIES RELATED TO PERFORMANCE OF OFFICE AND EMPLOYMENT

- A. No Commissioner or employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she is engaged in conduct violative of his/her trust as a State officer or employee.
- B. No Commissioner or employee shall use or attempt to use his/her official position to secure unwarranted privileges, benefits or advantages for himself/herself or others.
- C. No Commissioner or employee shall act in an official capacity in any matter wherein he/she has a direct or indirect interest, financial or otherwise, which might reasonably be expected to impair his/her objectivity and independence of judgment.
- D. No Commissioner or employee shall disclose to an unauthorized person for any purpose confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another. Confidential information includes, but is not limited to, information on pending matters that is not already a matter of public record and information concerning the work product of any employee, including, but not limited to, notes, papers, discussions and memoranda.
- E. No Commissioner or employee should accept any gift, favor, service or other thing of value under circumstances from which it might reasonably be inferred that such gift, favor, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her official duties.

Any gift or other item of value offered by or received from a person, firm or corporation that an NJMC Commissioner or employee has contact with in his/her official capacity must be reported and remitted immediately to the NJMC’s Ethics Liaison Officer who shall then make a determination as to whether or not the gift, favor, employment, offer of employment or other thing of value can be accepted. The report shall clearly describe the gift, identify the donor and set forth the circumstances under which the gift was offered.

It is not necessary to notify the NJMC's Ethics Liaison Officer or designee upon receipt of unsolicited gifts or benefits of a trivial or nominal value, such as complimentary pens or pencils, offered to the general business public through mass mailings. Note, however, that if a gift or benefit of a nominal value does create an impression of a conflict of interest or a violation of a public trust, it cannot be accepted but must be transmitted to the Ethics Liaison Officer for return to the sender.

IV. OUTSIDE INTERESTS/EMPLOYMENT ACTIVITIES

- A. No Commissioner or employee shall have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his/her duties or interferes with the operation of the Commission.
- B. No Commissioner or employee shall engage in any business, profession, trade or occupation which is subject to licensing or regulation by a State agency without first filing a notice of such activity with the Ethics Liaison Officer.
- C. No Commissioner or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair the objectivity and independence of judgment required in public employment or to interfere with the operation of the Commission.
- D. No Commissioner or employee shall make use of his/her office or employment for the purpose of promoting or advertising any off-duty activity.
- E. No employee shall engage in any outside employment or service or maintain any outside business interest, whether or not for compensation, without first disclosing such activity in writing to the Ethics Liaison Officer (see *Conflict of Interest Questionnaire*). The approval of such outside activity shall not be unreasonably withheld.
- F. Commissioners and employees are free to engage in volunteer activities on behalf of nonprofit charitable, religious, sports and professional organizations unless such activities could reasonably be expected to impair or appear to impair their independence and objectivity of judgment in the discharge of duties or interfere with the operation of the Commission.

V. GUIDELINES FOR RECUSAL

This guideline provides State officials with guidance concerning circumstances under this recusal is appropriate.

A. DEFINITIONS FOR WORDS AND TERMS USED IN RECUSAL

“Person” means any natural person, association, organization, firm, partnership or corporation.

“Recusal” means the process by which a person is disqualified, or disqualifies him/herself, from a matter because of a conflict of interest.

“Relative” means a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or first cousin, whether in whole or half blood, by marriage, adoption or natural relationship, and the spouse of any such person.

“State agency” means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency. A county or municipality shall not be deemed an agency or instrumentality of the State.

“State official” means any State officer or employee or special State officer or employee as defined in the Conflicts of Interest Law.

B. SITUATIONS WHERE RECUSAL IS REQUIRED

1. A State official must recuse him/herself from a matter if he/she has:
 - a) Any financial interest, direct or indirect, that is incompatible with the discharge of the State official’s public duties.
 - b) Any personal interest, direct or indirect, that is incompatible with the discharge of the State official’s public duties.
2. An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions of (B1) above, depending on the totality of the circumstances. A State official should contact his/her agency Ethics Liaison Officer or the Executive Commission on Ethical Standards for guidance in such cases.
3. A State official must seek the advice of the State agency’s counsel, agency Ethics Liaison Officer or the Executive Commission on Ethical Standards as to the propriety of participation in a matter if any person requests that a State official recuse him/herself from that matter. Oral advice, followed up by a writing, may be provided by the agency’s counsel, the agency Ethics Liaison Officer or the Executive Commission on Ethical Standards to avoid delay. Oral advice should subsequently be memorialized by a writing or by inclusion in public minutes.

C. PROCEDURE FOR RECUSAL

1. If a State official finds, or is advised by agency counsel of the agency Ethics Liaison Officer, that an incompatible financial or personal interest exists on a matter, the State official must recuse him/herself from that matter or seek advice from the Executive Commission on Ethical Standards. The recusal must be absolute, i.e., the State official must have no involvement with the matter from which he/she has recused him/herself.
2. All recusals, other than those provided for in (C3) below, must be memorialized in writing. Recusal statement samples are provided at the end of this section. The writing must:
 - a) Specify the reason for and the date of the recusal;
 - b) Specify the duration of the recusal (which may be expressed in terms related to the pendency of the matter in the State agency);
 - c) Specify the effect of the recusal on the State official and his/her State agency (e.g., that the State official is not to be contacted or involved or participate in any manner concerning the matter from which he/she has been recused);
 - d) Name the person who is to assume responsibility and authority for the matter from which the State official has been recused (if applicable); and
 - e) Be disseminated to all persons who might be affected by the State official's recusal and to the agency Ethics Liaison Officer, who shall maintain the writing for as long as the State official serves in his/her position.
3. In the case of a State agency that maintains a public record of a proceeding, i.e., a Board or Commission meeting, formal written recusal is not required; however, the following procedures must be followed:
 - a) To the extent feasible, meeting materials involving a matter from which the State official must recuse him/herself should not be distributed to the State official.
 - b) At the subject meeting, the State official must place his/her recusal and the reason for such recusal on the record prior to any discussion of the matter.

- c) The State official must leave the room at a non-public portion of the meeting while the matter in question is under discussion.

VI. APPEARANCES BEFORE THE STATE/NJMC

- A. State officers or employees are specifically prohibited from either agreeing to, or in fact representing, appearing for, or negotiating on behalf of any person or party, other than the State, in connection with any cause, proceeding, application, or other matter pending before any State agency other than those listed below. Special State officers or employees are prohibited from the above activities only in connection with any cause, proceeding, application, or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund, or system in which the special NJMC officer or employee holds office or employment. This prohibition extends to any partnership, firm, or corporation in which the State officer or employee or special State officer or employee has an interest or any partner, officer, or employee of any such partnership, firm, or corporation.

As an example of the above, a licensed NJMC engineer would be prohibited by law from submitting dam inspection reports, surveys, etc., or otherwise making contact on behalf of a private land owner (client) with the NJMC.

- B. NJMC employees are **not** prohibited from representing a person or party in any of the following instances:
 - 1. Before a court of record.
 - 2. In any state agency proceeding on behalf of a county, municipality, school district or any authority, agency or commission of any thereof **except where the State is an adversary party and provided that the employee is not holding office or employment in the State agency in which any such proceeding is pending.** (See N.J.S.A. 52:13D-16(a), N.J.S.A. 52:13D-16(b), N.J.S.A. 52:13D-16.).
 - 3. In a proceeding related to the determination or review of transfer, inheritance, or estate taxes;
 - 4. In connection with the filing of corporate or other documents in the office of the Secretary of State.
 - 5. Before the Division on Civil Rights.
 - 6. Before the New Jersey State Board of Mediation.

7. Before the New Jersey Public Employment Relations Commission.
8. Before the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention.
9. In regard to a claim for workmen's compensation.

VII. POLITICAL ACTIVITY PROHIBITIONS

A Commissioner or employee shall not directly or indirectly use or seek to use his/her authority or influence of his/her position to control or modify the political action of another person. An employee during the hours of duty shall not engage in political activity; nor shall he/she at any other time participate in political activities, which would impair his/her usefulness in the position in which he/she is employed. An employee retains the right to vote as he/she chooses to express his/her opinions on political subjects and candidates.

VIII. CASINO PROHIBITION

No Commissioner or employee, nor any member of the immediate family of any Commissioner or employee, or person, nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he/she has an interest, nor any partner, officer, director or employee while he/she is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter, except that (1) a State officer or employee other than a State officer or employee include the definition of person, and (2) a member of the immediate family of a State officer or employee, or of a person, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the Executive Commission on Ethical Standards, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State Officer or employee, or person.

IX. POST EMPLOYMENT RESTRICTIONS

An employee, officer and special officer or Commissioner of the NJMC is subject to the provision of the New Jersey Conflicts of Interest Statute (N.J.S.A. 52:13D-17) which states:

- A. No State officer or employee or special State officer or employee, subsequent to the termination of his or her office or employment in any State agency, shall represent, appear for or negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide

information not generally available to members of the public or services to, whether by himself or through any partnership, firm or corporation in which he or she has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such State officer or employee or special State officer or employee shall have made any investigation, rendered any ruling, given any opinion or been otherwise substantially and directly involved at any time during the course of his or her office or employment. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 6 months, or both.

As an example, under the above statutory section, a former NJMC engineer could not represent, appear for or negotiate for a new employer, e.g., a consultant, before the NJMC, on a project he/she ruled while employed with the NJMC. The former employee could, however, work on a new project that has arisen since he/she left the state, or on a project which he/she did not have direct or substantial involvement while employed with the NJMC.

Direct and substantial involvement, as stated in this statute, may exclude persons who have been engaged in a cause, issue or project on a routine, non-decision-making basis.

Questions concerning possible post-employment conflicts should be addressed to the NJMC's Ethics Liaison Officer prior to termination of employment.

B. EMPLOYEE'S CIRCULATION OF RESUMES

Employees who have direct and substantial contact with any consultants or vendors doing business with the NJMC must refrain from circulating resumes or in any manner seeking employment with those firms until such contact ceases. If an employee is solicited for potential employment by a firm with which he/she has direct and substantial contact, that solicitation must be disclosed immediately to the employee's management and to the NJMC's Ethics Liaison Officer to avoid a situation where an employee may appear to be using his/her official position to gain unwarranted advantage.

Employees who do not have direct and substantial contact with consultants or vendors doing business with the NJMC may circulate resumes and enter into discussions regarding potential employment with those firms as long as they also avoid a situation that may give rise to an unwarranted advantage.

All employees are cautioned that discussions, interviews, and negotiations should not take place on State time.

X. VIOLATIONS AND SANCTIONS

Any person who willfully violates this Code of Ethics may be subject to sanctions in accordance with the Conflicts of Interest Law (N.J.S.A. 52:13D-12 et. seq.) Such sanctions include fines, prison terms, removal or suspension from office and ineligibility for future State employment. In addition to the above, NJMC employees who violate this Code of Ethics are subject to disciplinary action by the Commission. Given the severe consequences of violating this Code, all employees are advised to adhere to it strictly and to seek advice from the Ethics Liaison Officer if they have any questions concerning their obligations under it.